

INSTRUCTIONS FOR HAVING THE SALE OF REAL PROPERTY APPROVED BY THE COURT

1. All of the forms you need are attached. In the forms you will see parts enclosed in - - []; you need to fill in the correct information in all those spaces.
2. When you file your Petition, obtain a hearing date from Probate Court Administration [602-506-3668] and complete the rest of your paper work. Be sure to arrange to have the notice of hearing published and posted on the property.
3. Read Rule 5.11(d) which is below. You **MUST** (1) publish notice of the hearing; (2) mail the notice of hearing and petition to all persons interested in the estate; **AND** (3) post the notice of hearing on the property. The mailing, publication and posting **MUST** be accomplished at least fourteen (14) days prior to the hearing.
4. Bring a copy of the Affidavit of Publication, the Notice of Hearing, Proof of Notice, Affidavit of Posting and your proposed Order to the hearing. If a bond increase is needed, bring your new bond or bond rider to the hearing.
5. Tell the proposed buyer to attend the hearing because other bidders may show up at the hearing. If the proposed buyer is not present to participate in the bidding, the proposed buyer will probably not end up with the property.

Rule 5.11. Notice of Hearing

- a. In fixing the time for hearing on petitions under Title 14, Arizona Revised Statutes, the clerk shall, unless the court orders otherwise or all persons entitled to notice waive notice in writing, allow at least fourteen (14) days notice.
- b. The notice for a non-appearance or appearance calendar setting shall set forth the title of the matter set for hearing, the date and time of the hearing and the name and location of the judicial officer before whom the matter is set for hearing. The notice shall be given or served as required by law on all persons entitled to notice and shall state that an objection may be made either by filing a written response with the court at least five (5) days prior to the hearing date or by appearing in person or through an attorney at the time and place set forth in the notice.
- c. Notice shall be given to the ward's or protected person's court-appointed attorney.
- d. Where the petition is one for confirmation of the sale of real estate, notice of the hearing shall state that bids above the proposed sales price will be accepted by the Probate Court in Maricopa County and, unless otherwise ordered by the court, the notice of hearing shall be posted on the property and published once in a newspaper of general circulation in Maricopa County and in the county where the property is located at least fourteen (14) days prior to the scheduled hearing date.

PETITIONS FOR THE SALE OF REAL PROPERTY

The Court desires to assure that the best price is received for the property. Therefore, in addition to the requirements of A.R.S. § 14-1401, including publication, a copy of the notice of hearing on the petition for the approval of the sale of real property shall be conspicuously posted on the real property at least 14 days prior to the hearing. The notice shall set forth the amount of the pending offer and state that the Court will consider all bids for the property above that amount at the time set for the hearing.

NAME OF CONSERVATOR OR PERSONAL REPRESENTATIVE
YOUR ADDRESS
YOUR TELEPHONE NUMBER
[Conservator or Personal Representative]

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR MARICOPA COUNTY

In the Matter of the	)	No. PB _____
[Conservatorship/Estate] of)	
	)	PETITION FOR APPROVAL
NAME OF PERSON,	)	OF SALE OF REAL PROPERTY
)	
[an adult/deceased].)	
_____)	

Petitioner, [insert your name], reports to the Court as follows:

1. Petitioner, as [Conservator or Personal Representative], has sold, subject to confirmation by the Court, the real property described as follows:

Legal description:

[Insert legal description]

Commonly known as:

[Insert street address, city, state of property]

2. The property was sold for the reason [explain why property is being sold. For example, if a conservatorship, the sale proceeds may be needed to pay for the ward's medical and care facility expenses or if this is a decedent's estate, the sale may be because the sale proceeds are to be divided among the beneficiaries or heirs of the estate or the sale proceeds are needed to pay creditors of the estate or estate taxes].

3. The reason [insert names(s) of buyer(s)] whose address is [insert address of buyer(s)] for a gross sales price of \$[insert price]. The terms and conditions of the sale are set forth in Exhibit A attached hereto. [Attach a copy of the purchase/sale contract.]

4. Said property has been appraised within one year of the time of the sale. A copy of the appraisal is attached hereto as Exhibit B. [Attach a copy of the appraisal]

5. Petitioner has posted notice of the hearing on this Petition for Approval of Sale of Real Property in compliance with Local Rule 5.11(d). An affidavit of posting notice has been or will be filed with the court.

6. Petitioner believes that this sale is necessary and in the best interest of this estate and those interested herein, that it was fairly made, that the sale price is not disproportionate to the value of the property, and that a greater sum cannot be obtained.

WHEREFORE, Petitioner requests that the Court, after notice and hearing, issue an Order which:

1. Confirms the sale;
2. Directs the execution of proper conveyances to the purchaser;
3. Authorizes the Petitioner to pay all necessary and customary expenses of sale; and
4. Directs that escrow in this matter be closed within [insert number of days agreed to close escrow such as 30 or 60] days of the date an Order is entered confirming this or any other sale of the above-referenced real property.

Dated this _____ day of _____, 2_____.

[sign above and type your name and
address below this line]

STATE OF ARIZONA)
) ss.
County of Maricopa)

[Your name] being first duly sworn, deposes and says that [he/she] is the [Conservator or Personal Representative], that [he/she] has read the foregoing Petition and knows the contents thereof and believes the same to be true and correct.

Affiant

SUBSCRIBED AND SWORN before me this ____ day of _____, 2_____.

Notary Public

My commission expires:

NAME OF CONSERVATOR OR PERSONAL REPRESENTATIVE
YOUR ADDRESS
YOUR TELEPHONE NUMBER
[Conservator or Personal Representative]

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR MARICOPA COUNTY

In the Matter of the	)	No. PB _____
[Conservatorship/Estate] of)	
	)	NOTICE OF HEARING ON
	)	PETITION FOR APPROVAL
NAME OF PERSON,	)	OF SALE OF REAL PROPERTY
)	
[an adult/deceased].)	
_____)	

NOTICE IS HEREBY GIVEN that the [Conservator/Personal Representative] of this estate has filed a Petition for Approval of Sale of Real Property with the Maricopa County Superior Court, Probate Department, of the property described below. The property was sold for a gross sales price of \$[insert amount] to [insert name(s) of buyer(s)] upon the terms set forth in the Petition.

The real property is described as follows:

Legal description:

[Insert legal description]

Commonly known as:

[Insert street address, city, state of property]

HEARING HAS BEEN SET to consider the Petition on the _____ day of _____, 2____ at _____ a.m./p.m. before [insert name of Judge or Commissioner before whom the hearing is set] at 125 W. Washington, Courtroom [insert number], Phoenix, Arizona 85003.

Anyone interested in the estate may appear at the time of the hearing and show cause why the sale should or should not be confirmed. **At the hearing, the Court will consider bids for the property above the amount offered in the Petition.**

Therefore, bids over \$[insert amount of sale] for the subject property will be considered by the Probate Court at the time and place of the hearing. The acceptance of a higher bid by the Court may result in a possible voiding of the real estate commission and offer as reported to the Court.

For further information about the sale, contact the [Conservator or Personal Representative].

Dated this _____ day of _____, 2_____.

[sign above and type your name and address below this line]

NAME OF CONSERVATOR OR PERSONAL REPRESENTATIVE
YOUR ADDRESS
YOUR TELEPHONE NUMBER
[Conservator or Personal Representative]

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR MARIOPCA COUNTY

In the Matter of the) No. PB _____
[Conservatorship/Estate] of)
) AFFIDAVIT OF POSTING NOTICE OF
NAME OF PERSON,) HEARING ON PETITION FOR APPROVAL
) OF SALE OF REAL PROPERTY
[an adult/deceased])
_____)

STATE OF ARIZONA)
) ss.
County of Maricopa)

[Your name] being first duly sworn, deposes and says that [he/she] is the [Conservator or Personal Representative]; that on the ____ day of _____, 2____, a period of more than fourteen days prior to the scheduled hearing, [he/she] posted the Notice of Hearing on the Petition for Approval of Sale of Property in one or more conspicuous locations on the subject property.

Affiant

SUBSCRIBED AND SWORN before me this ____ day of _____, 2____.

Notary Public

My commission expires:

NAME OF CONSERVATOR OR PERSONAL REPRESENTATIVE
YOUR ADDRESS
YOUR TELEPHONE NUMBER
[Conservator or Personal Representative]

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR MARICOPA COUNTY

In the Matter of the	)	No. PB _____
[Conservatorship/Estate] of)	
	)	PROOF OF NOTICE ON
NAME OF PERSON,	)	PETITION FOR APPROVAL
	)	OF SALE OF REAL PROPERTY
[an adult/deceased].)	
_____)	

The undersigned, [insert your name], states that the Notice of Hearing on the Petition for Approval of Sale of Real Property and said Petition were mailed on the _____ day of _____, 2 _____ to the following persons:

[List the name and address of each person to whom you mailed the notice of hearing and petition including the proposed purchaser]

Dated this _____ day of _____, 2_____.

[sign above and type your name and address
below this line]

STATE OF ARIZONA)
) ss.
County of Maricopa)

[Your name] being first duly sworn, deposes and says that [he/she] is the [Conservator or Personal Representative], that [he/she] has read the foregoing Proof of Notice and knows the contents thereof and believes the same to be true and correct.

Affiant

SUBSCRIBED AND SWORN before me this _____ day of _____, 2_____.

Notary Public

My commission expires:

NAME OF CONSERVATOR OR PERSONAL REPRESENTATIVE
YOUR ADDRESS
YOUR TELEPHONE NUMBER
[Conservator or Personal Representative]

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR MARICOPA COUNTY

In the Matter of the	)	No. PB_____
[Conservatorship/Estate] of)	
	)	ORDER APPROVING
NAME OF PERSON,	)	SALE OF REAL PROPERTY
)	
[an adult/deceased].)	
_____)	

The Petition for Approval of Sale of Real Property having come regularly before the Court for hearing and the Court having called for upset bids, the Court finds that:

1. Proper notice of the hearing was given.
2. The sale of the real property described below is in the best interests of the estate.
3. The sale was legally and fairly made.
4. The sale price is not disproportionate to the value of the property and a greater sum cannot be obtained.

Therefore,

IT IS HEREBY ORDERED as follows:

1. The Petition for Approval of Sale of Real Property is granted and the [Conservator or Personal Representative] is authorized to complete the sale to [insert buyer's name] for the sum of \$[insert the amount], and is authorized to execute the proper conveyance documents to the purchaser for the property known as:

Legal description:

[Insert legal description]

Commonly known as:

[Insert street address, city, state of property]

2. The [Conservator or Personal Representative] is authorized to pay all necessary and customary expenses of sale.

3. The escrow agent shall select one of these options:

Option A: direct-deposit the net sales proceeds into the following restricted account of the estate, [insert account number and account location], and the Petitioner shall file proof of the deposit on or before _____. The escrow agent shall not release the sales proceeds to the [Conservator/Personal Representative] because [he/she] is not bonded to receive the funds.

Option B: upon proof that the [Conservator/Personal Representative] has posted a bond in the amount of \$_____ as required by the Court, distribute the net sales proceeds to the [Conservator or Personal Representative].

4. The [Conservator's or Personal Representative's] bond shall be increased by \$_____ to a total bond amount of \$_____.

Dated this _____ day of _____, 2_____.

Commissioner/Judge Pro Tem